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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,824	08/31/1999	YASUJI OTA	FUJO-16.446	1838

26304 7590 12/10/2003

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NEW YORK, NY 10022-2585

EXAMINER

AZAD, ABUL K

ART UNIT	PAPER NUMBER
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2654

20

DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/386,824

Applicant(s)

OTA ET AL.

Examiner

ABUL K. AZAD

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on September 16, 2003.
2. Claims 1-18 are pending in this action. Claims 1, 7, 13 and 16 have been amended.
3. The applicant's arguments with respect to claims 1-19 have been fully considered but they are not deemed to be persuasive. For examiner's response to the applicant's arguments or comments, see the detailed discussion in the Response to the Arguments section.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) The invention was described in –

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

5. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ozawa (US 5,963,896).

As per claim 1, Ozawa teaches, "a voice coding method based on analysis-by-synthesis vector quantization using a code book containing a voice source code vector having only a plurality of non-zero amplitude values," comprising the step of:

“using a configuration variable code book containing a voice source code vector having only a plurality of non-zero amplitude values” (col. 3, lines 8-24; M non-zero amplitude pulse)

“variably replacing a position of a sample of the non-zero amplitude value in the configuration variable code book using only an index and a transmission parameter indicating a feature amount of the voice without any additional supplementary information” (col. 7, lines 23-44);

“wherein the position and amplitude of the non-zero amplitude values coding an input speech signal are selected as an optimum series from entries in the configuration variable code book, which entries are varied by a certain rule rather than being determined from the input speech” (col. 6, line 62 to col. 7, line 46).

As per claim 2, Ozawa teaches, “variably replacing the position of the sample of the non-zero amplitude value in the configuration variable code book using the index and a lag value corresponding to a pitch period which is transmission parameter indicating the feature amount of voice” (col. 3, lines 25-62).

As per claim 3, Ozawa teaches, “reconstructing the position of the sample of the non-zero amplitude value within a region corresponding value in the configuration variable code book within a region corresponding to the lag value depending on the pitch gin value” (col. 17, line 50 to col. 18, line 58).

As per claims 4-18, they have similar limitations as claim 1-3, so claims 4-18 are also rejected for the same reasons.

Response to Arguments

6. The applicant argues: "Configuration variable codebook 1 or 1' changes in terms of the non-zero sample positions, but importantly and unlike Ozawa, does not change in respect to the number of the non-zero samples".

The examiner disagrees with applicant's above assertion because Ozawa teaches, at col. 7, lines 23-44, "variably replacing a position of a sample of the non-zero amplitude value in the configuration variable code book using only an index and a transmission parameter indicating a feature amount of the voice without any additional supplementary information", particularly reads on "the excitation quantization circuit 350 quantizes the position of at least one pulse with a predetermined number of bits, and outputs an index representative of the position to the multiplexer 400.

7. The applicant argues: "in contrast, the present invention differs as follows: a non-zero amplitude pulse series is generated by the configuration variable codebook, which is determined accordance with a rule that is another transmission parameter such as a pitch period value".

The examiner disagrees with the applicant's above assertion because Ozawa teaches the limitation at col. 6, lines 62 to col. 7, lines 47.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2654

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richemond Dorvil**, can be reached at **(703) 305-9645**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9314

(For informal or draft communications, please label "PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to 2121 Crystal Drive, Arlington,
VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should
be directed to the Technology Center's Customer Service Office whose telephone
number is **(703) 306-0377**.

Abul K. Azad

December 7, 2003



RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER